

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING CHAPTER 6-FIRE PREVENTION AND PROTECTION-OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ADD A SECTION CONCERNING THIRD PARTY FIRE PROTECTION AND CONTROL, INSPECTION, TESTING AND MAINTENANCE REPORTING.**

WHEREAS, in order to preserve and protect the public health and safety, and to satisfy the requirements of N.C.G.S. §160A-424, the City of Asheville assumes inspection duties as provided in N.C.G.S. §160A-411, the City is required to have periodic inspection schedules for the purpose of identifying activities and conditions in buildings and structures that pose dangers of fire, explosion or related hazards; and

WHEREAS, pursuant to Section 104.1 of the North Carolina Fire Prevention Code, the fire code official is authorized to enforce the provisions of said code; and

WHEREAS, pursuant to Section 106.2 of the North Carolina Fire Prevention Code, , the fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provision of said code and to approve reports of inspection by approved agencies or individuals and the fire code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed, or complex technical issues and

WHEREAS, pursuant to Section 107.2.1 of the North Carolina Fire Prevention Code, the fire code official is authorized make all required tests and inspection records available at all times, and

WHEREAS, the City has adopted the provisions of the North Carolina Fire Prevention Code, current edition, adopted by the North Carolina Building Code Council and made the same applicable as the Fire Prevention Ordinance of the city in Section 6-1 of the Asheville Code of Ordinances and has made certain amendments to the Fire Prevention Ordinance in Section 6-2 of the city of the Asheville Code of Ordinances; and

WHEREAS, pursuant to the City's authority under N.C.G.S. §§160A-4, 160A-20.1, 160A-174, 160A-175, and 160A-177, the City Council of the City of Asheville desires to amend the Fire Prevention Ordinance to require all inspection reports to be provided through a third party inspection reporting system, Brycer LLC.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheville, Buncombe County, North Carolina, as follows:

**SECTION 1:** A new Section 6-3 of Chapter 6, Fire Prevention and Protection, is hereby created to read as follows:

**Sec. 6-3 Third Party Inspection Reporting System.**

Records of all required monthly, quarterly, and annual system inspections, tests, and maintenance, as required by section 604.6, 901.6, 904.11, 909.20 and their respective referenced National Fire Protection

Association standards shall be provided to the City of Asheville through an approved third party inspection reporting system and reporting parties shall pay any fees associated with that service to the City's third party service provider.

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. That this ordinance shall be enforced as provided in City Code Sec. 1.5.

Section 5. That this ordinance and rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on \_\_\_\_ \_\_, 2014, or after its final passage and adoption by the Asheville City Council.

READ, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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**CITY CLERK**

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**MAYOR**

**APPROVED AS TO FORM:**

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**CITY ATTORNEY**